

**California State Department of Social Services
ICWA Workgroup**

**CDSS Headquarters, Room 1032
Sacramento, CA 95814**

September 25, 2009

Minutes

- **Welcome/Introductions**
- **Administrative Office of the Courts Report.** Ann Gilmour, Attorney, Administrative Office of the Courts, gave a report. The AOC is looking at doing trainings in Shasta, Lake, San Diego and Mendocino counties, and possibly other counties as well. The training held on June 3 at the Redding Rancheria for probation officers was well attended. Also working on developing curriculum; will post on web site later. Also, looking at posting info on expungement of criminal records for placement. Also, the AOC is recommending that a Native American be placed on the local commissions of the Blue Ribbon Committee.
- **State Legislative Update**
 1. AB 770 (Torres) – Lee Ann Kelly gave an update on AB 770, chaptered August 6, 2009. This bill amends state law to adhere to the federal Public Law 110-351 Fostering Connections to Success and Increasing Adoptions Act of 2008. It furthers existing statutes to promote negotiations between state and tribes to operate Title IV-E agreements.
 2. AB 1325 (Cook), Tribal Customary Adoptions – Nancy Currie gave an update on AB 1325, enrolled and awaiting the Governor's signature. It is expected that the Governor will sign the bill. This bill was introduced and withdrawn last legislative session by the sponsor, Soboba Band of Luiseño Indians, because of challenges faced at the end of the session with regard to amendments concerning "full faith and credit." AB 1325 now addresses those concerns. This bill also contains a reporting requirement to the legislature, which would be completed by the AOC on or before January 1, 2013. The amendments implementing tribal customary adoption would become operative on July 1, 2010, and would be repealed on January 1, 2014, unless extended by future legislation.
- **Adoptions All County Letter (ACL).** Lee Ann Kelly discussed ACL 09-28, which was released on June 4, 2009. This ACL clarifies how the ICWA

requirements and the new Judicial Council forms, ICWA-010(A), ICWA-020, ICWA-030, and ICWA-030(A), impact adoption proceedings.

- **Division 31 Regulations Update.** Lee Ann Kelly informed the workgroup that CDSS staff met with tribal and county representatives for the purpose of reviewing the proposed changes to the Division 31 regulations in order to implement ICWA provisions contained in SB 678. The next meeting to continue going over these proposed changes is scheduled for November 4, 2009 for CDSS program and legal staff and four tribal representative volunteers (Nancy Currie, Liz DeRouen, Maureen Geary and Nanette Gledhill). One major result of these changes is that ICWA no longer appears at the end of the regulations, but rather is incorporated throughout the regulations.
- **Subcommittee Updates**
 1. **Permanency for Indian Children and Youth.** To date this subcommittee has worked on relative placement, recruitment and retention of Indian foster homes, concurrent planning and training options. However, with the implementation of AB 1325 (Tribal Customary Adoptions), the subcommittee is gearing up to handle the initial implementation of the bill. There was also discussion regarding the Adoptions web sites (there are two: general public and restricted access). CDSS explained two issues that seem to arise: either tribe supports posting, or tribe has not intervened or claimed the children. Currently, the state's position is NOT to post. Feedback from the tribal caucus was requested. Topic is on hold for now until we receive feedback from the tribal caucus.
 2. **ICWA Training Subcommittee.** The ICWA Training Subcommittee is working diligently on the ICWA curriculum for both Social Workers and Tribal ICWA Advocates/Social Workers. Currently, the Regional Training Academies (RTAs) are looking at the training and looking at training from throughout California (such as CILS, Central RTA, Tribal STAR, etc.).
 3. **Expert Witness Subcommittee.** At this point, this subcommittee has compiled the data needed for an All County Information Notice (ACIN), and the AOC and CDSS staff members are working on putting that information together for distribution.
- **Presentation: Indian Dispute Resolution Services' Transition-Age Indian Foster Youth Research.** Heather Zenone gave this presentation. Indian Dispute Resolution Services (IDRS) is wrapping up its qualitative research on the services available to transition-age Indian foster youth. This research was funded by the National Institutes of Health (NIH). IDRS has been conducting the research with UCSF Medical School (Pediatrics) over the past year in the Bay Area, Humboldt County, and San Diego County, and will continue with Sonoma and Sacramento counties at a later time. The research was conducted by

interviewing two focus groups, one consisting of service providers and the other transitional youth. The preliminary findings showed that there are not many available services, little coordination between services, data system is inaccurate, and California is out of compliance with ICWA. Some solutions that were presented were: improve communication with service providers, make more appropriate foster home placements, prevention, obtain more accurate data, improve compliance efforts, and provide job training services. The research is already being utilized to identify and support advocacy and policy changes. IDRS is interested in getting feedback from the California ICWA community to take back to Washington D.C. in October when they report on the research, findings, and implications to the NIH.

One of the advocacy opportunities is collaboratively developing an ICWA system of care, which is anchored by an ICWA data management system that can both piggy back on CWS/CMS (or other case management systems) and coordinate with courts. There is such a prototype available called Ayazuta (www.ayazuta.com). They have held two web-based presentations on Ayazuta's tribal noticing functions that resulted in extremely positive feedback. The web presentations have generated a lot of excitement for Ayazuta.

- **Ayazuta Presentation.** Ayazuta.com is an ICWA Automated Noticing Data Solution that will be piloted with San Diego County. Problems have occurred regarding non-compliance with the ICWA noticing requirement and social workers are consumed with paperwork. This system automates noticing and the tribe's responses, stores contact data including the designated agents' addresses contained in the BIA's Federal Register, as well as additional addresses for tribes (from CDSS and/or CWS/CMS). Tribes are prompted every six months to confirm their contact details. Other tribal affiliations are included. Cost benefits would be: reduced cost of maintaining federal and historical tribal mapping, fewer case and social worker hours on noticing, administration and hearing preparation, reduced hours in preparation for appeals, and more effective tracking and response from tribes. A federal grant application is pending; they are expecting a response in Oct 2009. The system is to be completed and rolled out to initial customers during the first quarter of 2010. There will be a webinar conducted to answer questions on October 22 and 23. This system will not replace CWS/CMS, but rather is designed to "sit on top of it."

Kevin Gaines and Dorinda Wiseman stated that ancillary systems are not allowed by the federal government with regard to states and counties. There are rules regarding this for state child welfare data systems, and failure to follow them could result in a loss of federal funding for the CWS/CMS system. There needs to be more discussion on this before the state can incorporate any such system.

Jeff Dent suggested with regard to the accuracy of data that is stored within CWS/CMS, that the Regional Training Academies train social workers so they can accurately document ethnicity (e.g., if a child has two ethnicities such as Hispanic and Native American, then document the primary ethnicity as Native American rather than Hispanic, since currently Hispanic ethnicity trumps Native American).

- **Need for November Meeting? Location?** The workgroup discussed whether or not to meet in November since Fridays seem to be an issue as a result of the furloughs, and the holidays are around the corner. The workgroup decided that CDSS should survey the workgroup members via email to determine whether or not a November meeting should occur as well as determining which day of the week would work best for most people...with the exception of Fridays and the 3rd Wednesday of each month (AOC furlough). Diana Orcino, CDSS ICWA Analyst, will survey the workgroup and notify members as to the results, and when and where the next meeting will be held.